

City of St. Petersburg
Meeting of June 4, 2009

TO: The Honorable Jeff Danner, Chair, and Members of City Council

SUBJECT: Ordinance 929-G providing for the calling of an election to present to the voters an amendment to Section 5.05(d) of the St. Petersburg City Charter providing that the Canvassing Board for City election returns be the Pinellas County Canvassing Board.

First Reading of proposed Ordinance 929-G was held on May 21 and Administration recommends approval of the attached proposed ordinance.

Attachment
canvassingordmemo06-04-09

D-4

ORDINANCE NO.

AN ORDINANCE PROVIDING FOR THE CALLING OF AN ELECTION TO PRESENT TO THE VOTERS AN AMENDMENT TO SECTION 5.05(d) OF THE ST. PETERSBURG CITY CHARTER PROVIDING THAT THE CANVASSING BOARD FOR CITY ELECTION RETURNS BE THE PINELLAS COUNTY CANVASSING BOARD; PROVIDING FOR EXCEPTIONS; PROVIDING FOR THE CALLING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON SEPTEMBER 1, 2009, TO BE HELD AS PART OF THE CITY OF ST PETERSBURG'S CITYWIDE PRIMARY ELECTION TO PRESENT THIS CHARTER AMENDMENT TO THE VOTERS; PROVIDING FOR THE FORM OF THE TITLE AND THE QUESTION TO APPEAR ON THE BALLOT; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF ST. PETERSBURG DOES ORDAIN:

SECTION 1. That the City Council of the City of St. Petersburg hereby makes the following findings:

1. The Pinellas County Canvassing Board, because of the increasing complexity of canvassing election returns, including the requirement of a Post-Election Audit, is canvassing the election returns for all the various municipalities in Pinellas County and has offered to canvass the election returns for the City of St. Petersburg

2. Using the County Canvassing Board to canvass the election returns for the City of St. Petersburg will allow for a single canvassing board to deal with all elections simultaneously.

3. That in the event the Pinellas County Canvassing Board initiates charges for canvassing the election returns for the City of St Petersburg which become too costly or in the event the Pinellas County Canvassing Board no longer wishes to provide canvassing services to the City of St. Petersburg, there needs to be a means to provide a canvassing board for City of St. Petersburg election returns.

SECTION 2. A special election will be held as part of the Citywide Primary Election to be held on September 1, 2009, and the question and title as delineated in Sections 5 and 6 of this ordinance shall be placed on the ballot of said election.

SECTION 3. Section 5.05 (d) of the City Charter is hereby amended to read as follows:

(d) **Canvassing board.** The City shall use the Pinellas County Canvassing Board to canvass all of its election returns unless the Pinellas County Canvassing Board initiates charges which are deemed by a resolution of the City Council, receiving at least six affirmative votes, to

be excessive or unless the Pinellas County Canvassing Board refuses to canvass the City election returns. In either such case the City Council shall then establish a canvassing board by resolution.

~~Those members of the City Council who are not candidates in the election being canvassed, and those members of City Council who are candidates without opposition in the election being canvassed, shall meet as a canvassing board and duly canvass the election returns no later than one week after the final election results are provided to the City Clerk by the Supervisor of Elections after any municipal election. In the event that none of the members of the City Council are eligible to serve on the canvassing board in a particular municipal election, the canvassing board shall be composed of the following persons:~~

- ~~(1) — The Pinellas County Supervisor of Elections;~~
- ~~(2) — A County Court Judge appointed by the Chief County Court Administrative Judge; and~~
- ~~(3) — A third member who shall be a disinterested person and who shall be selected by the above two (2) members.~~

~~In the event that either the Pinellas County Supervisor of Elections is unable or unwilling to serve on the canvassing board or the Chief County Court Administrative Judge is unwilling or unable to appoint a County Court Judge to serve on the canvassing board, then the City Council shall appoint two disinterested (2) persons who, along with the official who is able to serve, shall constitute the canvassing board to canvass the election. In the event that the Pinellas County Supervisor of Elections is unable or unwilling to serve on the canvassing board and the Chief County Court Administrative Judge is unwilling or unable to appoint a County Court Judge to serve on the canvassing board then the City Council shall appoint three (3) disinterested persons who shall serve as the canvassing board to canvass the election. Disinterested person, as used in this subsection, means a person who is not a candidate or a member of the staff of a person who is a candidate in the election being canvassed.~~

~~Chief County Court Administrative Judge, as used in this subsection, means the County Court Judge who has the administrative responsibility for the County Court Judges in Pinellas County. In the event that no County Court Judge has that authority, then it means the Circuit Judge with over all administrative authority for the judicial circuit of which Pinellas is a part.~~

SECTION 4. That words in Section 3 of this ordinance that are in underlined type are additions to the existing St. Petersburg City Charter and words in ~~struck-through~~ type are deletions.

SECTION 5. The ballot question provided for in Section 2 of this ordinance shall appear on the ballot in the following form:

Shall the Charter be amended to provide that the Pinellas County Canvassing Board, instead of a City Canvassing Board, shall canvass all City election returns unless charges are initiated which are deemed excessive by City Council in a resolution approved by at least six affirmative votes or the Pinellas County Canvassing Board refuses to

canvass the election returns, in which case the City Council shall approve an alternate canvassing board by resolution?

SECTION 6. The title of the ballot question provided in Section 2 of this Ordinance shall appear on the ballot in the following form:

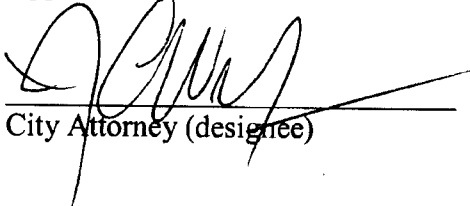
Charter amendment providing that the Pinellas County Canvassing Board shall canvass City Election returns.

SECTION 7. In the event this ordinance is not vetoed by the Mayor in accordance with the City Charter, Sections 1, 2 and 4 through 9 shall become effective upon the expiration of the fifth business day after adoption unless the Mayor notifies the City Council through written notice filed with the City Clerk that the Mayor will not veto the ordinance, in which case Sections 1, 2 and 4 through 9 shall become effective immediately upon filing such written notice with the City Clerk. In the event this ordinance is vetoed by the Mayor in accordance with the City Charter, Sections 1, 2 and 4 through 9 shall not become effective unless and until the City Council overrides the veto in accordance with the City Charter,

SECTION 8. That the Charter amendment contained in Section 3 of this Ordinance shall become effective only upon approval of the ballot question contained in Section 5 of this Ordinance by a majority of the qualified electors voting on said question at said election.

SECTION 9. The provisions of this Ordinance shall be deemed severable. The unconstitutionality or invalidity of any word, sentence or portion of this ordinance shall not affect the validity of the remaining portions.

Approved as to form and content:



City Attorney (designee)